GEN/NAR/64/CONF.2/5
25 September 1964
Original: ENGLISH

INTER-AMERICAN CONSULTATIVE GROUP
ON COCA LEAF PROBLEMS

La Paz, 16 - 26 November 1964

# COCA LEAF AND COCA BUSH PROVISIONS IN THE SINGLE CONVENTION

GE.64-12639

# COCA LEAF AND COCA BUSH PROVISIONS IN THE SINGLE CONVENTION

## Existing Treaty System

1. Hitherto, under the existing system of international control the only restriction affecting coca leaves is of an internal character[1/], the Parties to the 1925 Convention having undertaken to limit the number of towns and ports through which the export of coca leaves was to be permitted.

## Single Convention

2. The Single Convention is therefore a new departure in that it seeks to bring under general control for the first time not only coca leaves but also the parent plant, the coca bush. This is in line with the new provisions which it contains for the control of the opium poppy and the cannabis plant.

## Coca leaf

3. The coca leaf itself is mentioned in two separate contexts in the Convention

(a) It is one of the items in Schedule I.
This means that the coca leaf is a "drug" within the definition of the Convention[2/], and that it is subject to the strictest of the mandatory regimes of control provided by the Convention. In particular, the following articles will apply to it:
4(c), 19, 20, 21, 29, 30, 31, 32, 33, 34, and 37.

(b) It is named in article 26 and 27, whose respective titles are "The coca bush and coca leaves" and "Additional provisions relating to coca leaves".

## The coca bush

4. In the case of the coca bush, the control system laid down is similar to that provided for the opium poppy. This is because international narcotics control started with the control of opium in the Far-East and it is there, and in particular in India, that the widest and most successful experience has been obtained in the control of the opium poppy. Thus it was logical that in seeking for precedents to follow, the drafters of the Single Convention should suggest a similar system of control for the coca bush.

---

1/ See article 3 of the International Opium Convention of 19 February 1925.

2/ See article 1(j) of the Single Convention.

lication of the special "coca leaf" article 26 of the Single Convention

The new control system stems principally from article 26, paragraph 1, which it will noted provides that with one exception[3] the opium provisions of article 23 should be lied to the coca bush cultivation.

The general purpose of article 23, which relates to national opium agencies, and ce of article 26, is that the contracting Parties should set up and maintain government ncies or monopolies to carry out the following obligations:

(i) to designate areas where cultivation is permitted to licensed cultivators; to authorize such cultivators to engage in cultivation, care being taken that each licence shall specify exactly the extent of the land on which cultivation is permitted;

(ii) to have the exclusive right, in respect of coca leaves, of importing, exporting, wholesale trading and maintaining stocks other than the stocks held by manufacturers of cocaine, ecgonine, medicinal coca leaf or coca leaf preparations. This general exclusive right need not be extended to medicinal coca leaf and coca leaf preparations. In connexion with stocks there is an additional limitation[4] that Parties to the Convention shall prevent accumulation by manufacturers of quantities of coca leaf in excess of those quantities required for the normal conduct of business, having regard to prevailing market conditions.

When the constitution of the government permits, these monopoly functions shall be scharged by a single government agency.

terpretation of the provisions of the Single Convention

This paper is primarily concerned with explaining the minimum mandatory requirements posed with respect to the coca bush. However, in the interpretation of the requirement e consultative group, and particularly the representatives of the producing countries, n be of great assistance in suggesting the most practical manner of applying the pro- sions of articles 26 and 27, it being understood that wherever possible, governments

---

This exception is that in the case of coca bush, the agency is only required to take physical possession of the crops as soon as possible after the end of the harvest, i.e., not necessarily within four months. "Physical possession" means that the government monopoly on its agents should have complete and direct control of the leaves preferably by placing them in its own warehouse.

See article 29, para. 3, of the Single Convention.

will undertake to set up a control system even more strict than that provided by the Convention[5/].

9. With this in mind, the consultative group may wish to examine the following suggestions[6/].

"It would be advisable to establish a single licence form for the entire territory of a coca leaf producing State. The licence should provide at least the following information (to be supplemented as necessary):

(a) Particulars of the identity of the licensee;

(b) Exact description of the land to be cultivated (taken from the cadastral survey or indicated by any other means permitting identification);

(c) Duration of validity;

(d) Maximum area to be planted;

(e) Area actually planted;

(f) Estimate of the crop;

(g) Specific conditions regarding delivery of the coca leaf crop (including, in particular the final date); and

(h) Amount of coca leaf harvested[7/]

The licence should also mention the obligations of the cultivator under the domestic law, and in signing or otherwise accepting the licence he should certify that he has taken due note of those obligations.

The national regulations should include provisions specifying that no licence shall be granted to any person who has been convicted within the preceding five years of an offence against the regulations governing narcotic drugs in general and the coca leaf in particular. Similarly, the Agency should make sure that cultivators do not employ such persons.

A licence should be issued only to an individual - even if he represents a corporate body - and that individual should be liable in criminal law for observance of the regulations governing the production of coca leaves. In the

---

5/ In this connexion, article 39 of the Convention provides inter alia "Notwithstanding anything contained in this Convention, a Party shall not be, or be deemed to be, precluded from adopting measures of control more strict or severe than those provided by this Convention ...".

6/ These are taken mutatis mutandis from pages 9-10 of E/NT/9 "The Model Guide for the Application of the 1953 Protocol". They attempt to interpret article 3 of that treaty which forms the basis of article 23 of the Single Convention.

7/ This information would only be provided after planting and harvesting.

exceptional event of a licence being issued to a corporate body, the name of the responsible individual should be specified.

Licences, being personal, should not be transferable. They should be revokable at the discretion of the authorities."

Destruction of coca bushes

10. The Single Convention contains in its article 22 a general provision prohibiting the cultivation of the mother plants of the three natural drugs, i.e. the opium poppy, coca bush and the cannabis plants, "whenever the prevailing conditions in the country or a territory of a Party render the prohibition of the cultivation of the opium poppy, the coca bush or the cannabis plant the most suitable measure, in its opinion, for protecting the public health and welfare and preventing the diversion of drugs into the illicit traffic".

11. More specifically, its article 26(2) provides that "the Parties shall so far as possible enforce the uprooting of all coca bushes which grow wild. They shall destroy the coca bushes if illegally cultivated".

Diminishing use of the Coca Leaf

12. It should be noted that of the three uses of the coca leaf, (a) for chewing, (b) for the manufacture of cocaine and (c) for the manufacture of flavouring agents, only the last is likely to remain legitimate and therefore permanent. With the current trend away from the use of cocaine as an analgesic and towards the control of the chewing of coca leaf, which under the Convention is permitted for a period up to 25 years[8/], it is normally expected that the areas under cultivation will decrease regularly.

Flavouring agents (Article 27)

13. The third use of the coca leaf referred to in paragraph 12 above, i.e. the preparatio of flavouring agents, is the subject of a special article in the Single Convention (27). Under this article, the flavouring agent shall not contain any alkaloids, and Parties shall furnish separate estimates and statistical information in respect of coca leaves used in the preparation of such agents, except when the coca leaves are used both for the extraction of alkaloids and the preparation of the flavouring agents. In that case it has to be so explained in the estimates and the statistical information.

---

8/ Art. 49, para 2(e) of the Single Convention Coca leaf chewing must be abolished within 25 years from the coming into force of this Convention. This will be on the 30th day following the day on which the 40th instrument of ratification or accession is deposited. This non-medical use of the coca leaf may only be permitted by parties which have made a transitional reservation (see Article 49 1 (c)) to that effect at the time of signature, ratification or accession.

Wide application of the Single Convention

14. As will be appreciated, with the ever-wider support given to the Single Convention, whose provisions seek to include for the first time in one treaty the maximum number of international narcotics measures acceptable to a majority of States as represented at the Plenipotentiary Conference in 1961, this treaty will provide the new regime to be used throughout the world. It is therefore important that support for it be forthcoming from as many quarters as possible, and particularly in Latin American regions where so far only the governments of Argentina, Brazil, Cuba, Ecuador, Jamaica, Panama and Peru, have become parties to the Single Convention.

15. As more governments accept the provisions of the Single Convention, not only will the Convention set a time limit of 25 years at most during which the habit of coca leaf chewing must be eradicated, but also provide a common system, i.e. by government monopolies or agencies, to deal with this problem along the line which has been successfully operated over many years in India with respect to the opium poppy. If this system is applied effectively by the governments concerned, especially the provisions relating to the destruction of the illicit cultivation, not only will it be possible for individuals or national administrations to deal with the social and economic problems arising from a gradual diminution in cultivation and the resettling of the cultivators; the illicit traffic of coca leaves and cocaine will be severely hit, which can but benefit all the countries concerned.